

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The withdrawn claims (claim 23, 24, 27, 29, 30, 36-39 and 41) are rejoined.

Authorization for this examiner's amendment was given in a telephone interview with Jonathan Ball on 7/13/2011.

The application has been amended as follows:

The term "a conventional" in line 3, claim 11 is replaced with the term "the".

The phrase of "mixing gelatin and" in line 3 of claim 23 is replaced with "mixing gelatin,".

The phrase of "performed under mechanical influence" in line 2, claim 30 is replaced with "performed mechanically".

The comma after the term "thereof" in line 2, claim 36, 54, 56-59, 108 and 114; line 3, claim 103 is deleted.

### ***Information Disclosure Statement***

The information disclosure statement filed 12/21/2010 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that

Art Unit: 1651

portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

In the response to the previous OA, applicant continuously asserted that there is no ground for the Examiner to refuse to consider the references disclosed in the IDS. Applicant alleged that the IDS unambiguously referenced “applications co-owned by the Applicant” and referenced a “related case submission” which listed the co-owned application. It is not clear what applicant tried to point out from this argument.

The Examiner has pointed out that the listed references, which were merely indicating the serial numbers of US cases filed in the Office as "related case submission", which are not considered as US patent document (i.e. it is not US PGPub or US Pat.), and thus they should be considered as non-patent literature.

37 CFR 1.98(a)(2) states:

(2) A legible copy of:

- (i) Each foreign patent;
- (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
- (iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
- (iv) All other information or that portion which caused it to be listed.

The requirement as disclosed above is clear that applicant should provide a legible copy of any portion which caused it to be listed. However, applicant failed to provide any copy of the portion for the disclosed US cases. There are numerous documents associated with each case, and without pointing out what particular document (e.g. office action with specific date, or amendment or any document, the specification, the claims, etc.) with a legible copy of such

Art Unit: 1651

document provided, the Examiner has a proper ground to refuse to consider such references cited. If there is US PGPub or US patent available, applicant is advised to submit an IDS with a proper US PGPub or patent number for consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAEYOON KIM whose telephone number is (571)272-9041. The examiner can normally be reached on 8:00 am - 5:00 pm ET (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Taeyoon Kim/  
Primary Examiner, Art Unit 1651